

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

PHYLLIS DICKSON

Plaintiff

v.

5:07CV00028 HLJ

MICHAEL J. ASTRUE,  
Commissioner, Social  
Security Administration,

Defendant

**ORDER**

Plaintiff has filed a motion to remand. (Docket #15) According to Plaintiff, she filed a subsequent application after the Administrative Law Judge (ALJ) in the instant case filed his opinion denying her benefits. That application was granted; Plaintiff was found disabled as of September 22, 2006, the day after the ALJ's decision in the case before the Court.

Plaintiff asks that this case be remanded to consider her disability from her alleged onset date through the date of the ALJ's denial. But that period of time is the period of time that was considered by the ALJ; that fact has not changed.

Plaintiff argues that the result on the second application and on the first are inconsistent. The Court does not know how the two applications were different, other than the time period under consideration. It is not the Court's function on appeal to decide if Plaintiff was disabled. The Court's function on review is to determine whether the Commissioner's decision is supported by

substantial evidence on the record as a whole and free of legal error. Long v. Chater, 108 F.3d 185, 187 (8th Cir. 1997); see also, 42 U.S.C. § 405(g).

Generally, a different result on a subsequent application for disability is not material to the previous finding. See Bruton v. Massanari, 268 F.3d 824, 827 (9th Cir. 2001).

Plaintiff's motion to remand is hereby denied.

IT IS SO ORDERED this 26th day of March, 2008.

  
UNITED STATES MAGISTRATE JUDGE